

Table of Contents

Preface Nico Schrijver and José E. Alvarez	V
Table of Contents	vii
Foreword Criminal Jurisdiction 100 Years after the 1907 Hague Peace	
Conference by Willem van Genugten and Michael Scharf	X
Opening of the Conference Four Years of Action by the ICC Prosecutors' Office: Problems and Challenges by Luis Moreno-Ocampo	XV
After-Dinner Speech Trends and Challenges in the Field of Criminal Law in Europe by Ernst M.H. Hirsch Ballin	XX
Effective Remedies for All? Universalizing the Battle against Impunity	1
Universal Jurisdiction: A Real Option for Victims in the Battle against Impunity by Almudena Bernabeu Seeking Remedies for Gender Violence in Domestic Courts by Beth Stephens The Power of Memory by Gita Sahgal Effective Remedies for All: Universalizing Criminal Justice by Christine Chinkin	2 6 12 20
Conclusion by Karima Bennoune	27
Defining, Suppressing and Trying Genocide – A Path Towards Accountability and Justice	30
Summary of the Panel Discussion by Mark Ellis. Panelists: Richard Goldstone W. Michael Reisman	30





Geoffrey Robertson QC

The Need for a Comprehensive Anti-Terrorism Convention?
Chair: Jan Wouters

Chair: Jan Contributions:

viii

Terrorism, Multilateralism and Regionalism: Some Amuse-Gueule	
Reflections in a Transatlantic Perspective by Jan Wouters	68
Is There a Need for a Comprehensive Anti-Terrorism Convention?	
by Paul Rietjens	75
The United Nations Draft Comprehensive Anti-Terrorism Convention:	
Innovative Features and the Definitional Issue by A. Rohan Perera	83

Head of State Immunity for Former Leaders	90
Chair: Elies van Sliedregt	

Contributions:

ittibutions.	
Introduction by Elies van Sliedregt	90
Head of State Immunity: Are There Any Clear Rules? by John Dugard	91

Theat of State Immunity. The There Thy Cital Raics. by John Dugard	/1
Head of State Immunity in National Court Prosecutions	
by Naomi Roht-Arriaza	94
The Issue of Functional Immunity of Former Heads of State	
1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100

the issue of Functional Immunity of Former Heads of State	
by Harmen van der Wilt	100
Discussion reported by M.A. van der Vlugt	106

Truth Commissions, Accountability and the International Criminal Court	112
Chair: William A. Schabas	
Contributions	

ittibutions.	
Introduction by William A. Schabas	112
Commentary by Stephan Parmentier	113
Commentary by Marieke Wierda	
Commentary by William A. Schabas	

Judicial Review of Internationally-enacted Anti-terror Measures: Problems	
and Prospects	138
Chair: Andrea Bianchi	

Contributions:

Making Sense of Solanging in International Law: The Kadi Case before the	
EC Court of First Instance by Lorenzo Gradoni	139
Kadi Justice at the Security Council? by Jan Klabbers	153
Discussion reported by Kinga Tibori Szabó	159
Concluding Remarks by Andrea Bianchi	162

Corporate Liability for Human Rights Crimes	170

Chair: Erika R. George	
Contributions:	

The Criminal Enterprise? Corporations and International Human Rights	
Issues of Accountability and Liability at Home and Abroad	
by Erika R. George	170







Table of Contents	ix
The Next Frontier: Prosecution of Extraterritorial Corporate Misconduct before Non-US Courts by Menno T. Kamminga	172
Abroad: Using 'Due Diligence' to Complement International Criminal Law's	176
Regulatory Leverage by Bruno Demeyere Discussion reported by Raed Ali Shalan	175 183
Cross-Fire Discussion of Lessons Learned from the Trials of Slobodan Milošević, Charles Taylor, and Saddam Hussein Chair: Michael Scharf Transcript of Panel Discussion: by Michael Scharf	188
Panelists:	
David Scheffer	
David Crane	
Mark Drumbl	
Colonel (retired) Michael Newton	
Leila Sadat Mischa Wladimiroff	
Discussion reported by Marieke de Hoorn	
Chair: Melissa A. Waters Contributions: Introduction by Melissa A. Waters	211
The Schizophrenias of R2P by José E. Alvarez	212
ius in bello by Rogier Bartels	219
by Paul R. Williams and Meghan E. Stewart	226
Discussion reported by Sasha Radin	233
The Plundering of Natural Resources and the Destruction of the	2 / 2
Environment in Times of Armed Conflict Chair: Nico Schrijver	242
Contributions: Introduction by Nico Schrijver	242
Armed Conflict by Phoebe N. Okowa The Protection of the Environment during International Armed Conflict	243
by Erik V. Koppe	260
Council by Larissa van den Herik	268
Discussion reported by Daniëlla Dam	272
Concluding Remarks by Nico Schrijver	277

(

•



2007 Hague Joint Conference

The Future of the International Criminal Court	286
Chair: Judge Alphons Orie	
Contributions:	
Introduction by Judge Alphons Orie	286
Addressing Victims' Rights by Carla Ferstman	286
Mass claims before the International Criminal Court by Liesbeth Zegveld Victims' Rights and the International Criminal Court: the Model of The Rome	294
Statute and its Operation by Marc Groenhuijsen	300
Discussion reported by Roman Graf and Stefanie Kuefner	309
Dealing with Present-day Conduct of Hostilities	316
Introduction by Willem van Genugten	316
by Michael N. Schmitt	317
International Law and the Use of Questionable Weapons by Avril McDonald Air and Missile Warfare by Yoram Dinstein	324 333
Discussion reported by Michelle Möhl	340
Abbreviations	346



